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**SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 23, 2007**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Rachael Hansen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Cameron, Lodge, Pearce, and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 295** without recommendation, amended as follows:

SENATE AMENDMENT TO H 295 AMENDMENTS TO SECTION 2

On page 2 of the printed bill, in line 46, delete "may" and insert: "may shall"; in line 47, delete "~~and or~~" and insert: "and"; and in line 55, delete "may" and insert: "may shall".

CORRECTIONS TO TITLE

On page 1, in line 5, delete "STUDENT" AND" and insert: "STUDENT, ""; and in line 6, following "STUDENTS" insert: "AND "HIGH SCHOOL RECORD" FOR CATEGORY B STUDENTS".

The Committee also has **S 1141** and **H 245**, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

H 295, as amended in the Senate, was filed for first reading, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 22, 2007

Mr. President:

I transmit herewith **H 327** which has passed the House.

JUKER, Chief Clerk

H 327 was filed for first reading.

March 22, 2007

Mr. President:

I return herewith **S 1142, S 1185, S 1131, S 1166, S 1149, S 1147, S1157**, as amended, **S 1159**, as amended, **S 1169, S 1182, S 1183, S 1153, S 1179, S 1184**, and **SCR 120** which have passed the House.

JUKER, Chief Clerk

S 1142, S 1185, S 1131, S 1166, S 1149, S 1147, S1157, as amended, **S 1159**, as amended, **S 1169, S 1182, S 1183, S 1153, S 1179, S 1184**, and **SCR 120** were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2007

Mr. President:

I transmit herewith **H 328** which has passed the House.

JUKER, Chief Clerk

H 328 was filed for first reading.

March 22, 2007

Mr. President:

I transmit herewith Enrolled **HCR 26, HCR 27, HJM 5, H 237, H 252, H 315, H 316, H 317, H 318, H 319, H 320, and H 217** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 26, HCR 27, HJM 5, H 237, H 252, H 315, H 316, H 317, H 318, H 319, H 320, and H 217** and ordered them returned to the House.

March 22, 2007

Mr. President:

I transmit herewith Enrolled **H 249**, as amended, **H 265, H 308, H 309, H 310, H 311, H 312, H 313, H 314, H 267, H 228**, as amended, **H 89, H 91, H 92, H 96, H 97, H 111, H 103, and H 104** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 249**, as amended, **H 265, H 308, H 309, H 310, H 311, H 312, H 313, H 314, H 267, H 228**, as amended, **H 89, H 91, H 92, H 96, H 97, H 111, H 103, and H 104** and ordered them returned to the House.

March 22, 2007

Mr. President:

I return herewith Enrolled **S 1128**, as amended, **S 1136**, as amended, **S 1173, S 1143, S 1204, S 1206, S 1207, S 1208, S 1209, S 1210, S 1211, S 1212, SCR 115, and SCR 119** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1128**, as amended, **S 1136**, as amended, **S 1173, S 1143, S 1204, S 1206, S 1207, S 1208, S 1209, S 1210, S 1211, and S 1212** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 115** and **SCR 119** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 23, 2007

Mr. President:

I transmit herewith Enrolled **H 88, H 90, H 322, H 323, H 53**, as amended, **H 55**, as amended, **H 186**, and **H 305** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 88, H 90, H 322, H 323, H 53**, as amended, **H 55**, as amended, **H 186**, and **H 305** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1243

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS FOR CREATION OF A NEW TAXING DISTRICT; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802C, IDAHO CODE, TO PROVIDE FOR NOTIFICATION WHEN THERE IS TO BE AN ELECTION TO CREATE A NEW TAXING DISTRICT, TO PROVIDE REQUIREMENTS OF THE NOTICE AND TO PROVIDE THE EFFECT OF THE NOTICE.

S 1243 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 327 and **H 328**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 295, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2007

The JUDICIARY AND RULES Committee reports that **S 1242** and **S 1243** have been correctly printed.

DARRINGTON, Chairman

S 1242 was referred to the Finance Committee.

S 1243 was referred to the State Affairs Committee.

March 22, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 112, SCR 113, and SCR 117** were delivered to the Office of the Secretary of State at 11:05 a.m., March 22, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1047, S 1068, S 1069, S 1077, S 1088**, as amended,

S 1093, S 1103, S 1119, S 1121, S 1125, S 1134, S 1144, S 1152, as amended, **S 1155, S 1170,** and **S 1172** were delivered to the Office of the Governor at 1:45 p.m., March 22, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2007

The FINANCE Committee reports out **HCR 32** and **H 326** with the recommendation that they do pass.

CAMERON, Chairman

HCR 32 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 326 was filed for second reading.

March 22, 2007

The JUDICIARY AND RULES Committee reports that **S 1078**, as amended in the House, **S 1126**, as amended, as amended in the House, **S 1161**, as amended in the House, **S 1175**, as amended in the House, **S 1205, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, S 1220, S 1221, S 1222, S 1223, S 1224, S 1226,** and **S 1227** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1078**, as amended in the House, **S 1126**, as amended, as amended in the House, **S 1161**, as amended in the House, **S 1175**, as amended in the House, **S 1205, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, S 1220, S 1221, S 1222, S 1223, S 1224, S 1226,** and **S 1227**, and ordered them transmitted to the House for the signature of the Speaker.

March 23, 2007

The STATE AFFAIRS Committee reports out **H 184**, as amended, with the recommendation that it do pass.

McKENZIE, Chairman

H 184, as amended, was filed for second reading.

March 23, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Roger L. Jones to the Idaho Lottery Commission, term to expire January 1, 2012.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2007

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 295** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 23, 2007

The STATE AFFAIRS Committee reports out **S 1243** with the recommendation that it do pass.

McKENZIE, Chairman

S 1243 was filed for second reading.

March 23, 2007

The FINANCE Committee reports out **S 1242** with the recommendation that it do pass.

CAMERON, Chairman

S 1242 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 21, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1105

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 22, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Linda Pike of Moscow, Idaho, was appointed as a member of the Idaho Board of Tax Appeals to serve a term commencing March 13, 2007, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

March 22, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Quane Kenyon of Boise, Idaho, was appointed as a member of the Idaho State Board of Health and Welfare to serve a term commencing January 7, 2007, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

March 22, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard T. Roberge of Caldwell, Idaho, was appointed as a member of the Idaho State

Board of Health and Welfare to serve a term commencing January 7, 2007, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **HCR 30** was before the Senate for final consideration.

Moved by Senator Cameron, seconded by Senator Bilyeu, that **HCR 30** be adopted. The question being, "Shall the resolution be adopted?"

Pursuant to Senate Rule 39(H), Senator Kelly disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **HCR 30** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 31** was before the Senate for final consideration.

Moved by Senator Werk, seconded by Senator Fulcher, that **HCR 31** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Geddes, Little, Stegner. Total - 3.

Total - 35.

Whereupon the President declared **HCR 31** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 325, by Appropriations Committee, was read the second time at length and filed for third reading.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 295**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 295, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Fulcher arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, Geddes, Stegner. Total - 3.

Total - 35.

Whereupon the President declared **H 295**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1243** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

The President called Senator Darrington to the Chair.

S 1243 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Schroeder, seconded by Senator Andreason, that **S 1243** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Schroeder, Bastian, and Werk.

Roll call resulted as follows:

AYES--Andreason, Bastian, Gannon, Heinrich, Schroeder. Total - 5.

NAYS--Bair, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner, Stennett, Werk. Total - 29.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared that the motion to refer **S 1243** to the Fourteenth Order of Business for amendment did not prevail. The question being, "Shall **S 1243** pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--Andreason, Schroeder. Total - 2.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1243** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9:30 a.m., Monday, March 26, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary